

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH CHUN,

Defendant.

Case No. 17-20451

Honorable Victoria A. Roberts

**CLARIFICATION OF ORDER FINDING DEFENDANT INCOMPETENT TO STAND
TRIAL**

On February 2, 2018, the Court entered an Order finding Defendant Kenneth Chun (“Chun”) incompetent to stand trial. Pursuant to 18 U.S.C. §4241(d)(1), the Court committed Chun to the custody of the Attorney General, for the purposed of determining whether there is a substantial probability that in the foreseeable future, Chun will attain competency for trial. The Court agreed with Chun that a reporting requirement should be set, and required the Attorney General to provide a status report within 45 days of Chun’s hospitalization. On February 16, 2018, the Government, requesting clarification of the Order, said its language could be construed to require the Attorney General to not only provide a status report, but to complete its evaluation of Chun’s mental competency within 45 days. Chun filed a response to this request for clarification, to which the Government replied.

The Court did not intend to order that the Attorney General complete its evaluation of Chun within 45 days. Further, despite Chun’s contention in its response, Chun has expressed numerous times that he was not asking that the Attorney General

complete its evaluation within 30 days, but to provide a status report. Thus, to clarify, the Attorney General must provide the Court with a status report of the progress of its evaluation within 45 days on Chun's hospitalization.

The Court also clarifies, as requested by the parties, that the starting period of hospitalization and reporting does not begin until Chun is admitted to the designated Bureau of Prisons facility. Further, as Chun is currently out on bond, the Court orders that once a facility is designated, he promptly self-report to that facility.

IT IS ORDERED.

S/Victoria A. Roberts
United States District Judge

Dated: March 6, 2018